

REMARKS

Claims 1-21 are pending in this application. Claims 9-21 have been added. Support for new claims 9-21 can be found in the originally filed claims.

The Present Invention

The present invention relates to a medicinal composition which is administered orally and which is devoid of an unpleasant taste. The objects of the invention are accomplished by homogeneously mixing an anionic polymer with a basic medicine such as donepezil hydrochloride. The anionic polymer masks the sharp bitterness of donepezil hydrochloride, a medication used to treat Alzheimer's disease, so that the medication can be administered to a patient one to several times per day.

Claim Rejections - 35 U.S.C. § 103(a) over Matoba et al. (U.S. 5,464,284) hereinafter ("Matoba") in view of Aoki et al. (JP 07-267850 hereinafter ("Aoki") and Balkin et al. (U.S. 5,656,284) hereinafter ("Balkin"))

The Office Action apparently provides Matoba to teach an anionic polymer, quantity of polymer, type of medication, and dosage form. Matoba is subsequently modified with both Aoki and

Balkin which apparently teach the method of preparing the composition. Applicants respectfully traverse this rejection.

Matoba is alleged to teach a polymeric coating composition, which is used to coat a medicinally active ingredient contained within capsule shells such as microcapsules. Specifically, in column 6, lines 11-13 the reference reads, "The microcapsules can be manufactured by cladding the surface of the medicinally active ingredient with a film-forming capsule base as a cladding material.." The reference continues with a description of the cladding material as well as amounts of cladding material. Specifically, in column 6, lines 18-20 reads, "The coating composition or agent that can be used as a cladding material for the coated preparation (c) includes macromolecular substances such as water-soluble polymers.." and at lines 60-61 of the same column reads "For example, the coating agent may be used in a proportion of about 1 to 1,000 parts by weight,.." Therefore, it is apparent from studying the teachings of Matoba that Matoba et al. is directed to a medicine, which is coated with a polymer only. Matoba fails to encompass the claimed features of the present invention, which are directed to a basic medicine, which is blended with an anionic polymer.

The Office Action apparently utilizes Aoki and Balkin to teach the feature of blending an unpleasant-tasting medicine

The Office Action apparently utilizes Aoki and Balkin to teach the feature of blending an unpleasant-tasting medicine with a polymeric substance (see the Abstract of Aoki, i.e., "...ingredients can be mixed with each other.." and Balkin the bottom of column 4 as well as the top of column 5, i.e., "The mixing step may comprise mixing the water and the organic polymer separate from the pharmaceutical, and then mixing the pharmaceutical into the mixture obtained from the water and the organic polymer,..". However, there is no motivation to combine Matoba with either Aoki or Balkin. Specifically, the Examiner is using hindsight reconstruction to make this combination because Matoba fails to suggest that the polymer could be blended instead of coated, and neither Aoki nor Balkin suggest that the polymer could be coated onto the unpleasant-tasting medicine as well as mixed with it.

Indeed, "The mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification." Further, the mere fact that disclosures can be combined does not make the combination obvious unless the art also contains something to suggest the desirability of the combination. See, In re Gordon (221 USPQ 1125 at 1127) and In re Imperato, 486 F.2d 585, 587, 179 USPQ 730, 732 (CCPA 1973).

In addition, none of the cited references teach the combination of the specific claimed medication as claimed in instant claims 4, 5, 11, 12, 18, and 19 (i.e., donepezil hydrochloride) with a polymer to mask unpleasant tasting characteristics of the medication. Therefore, Applicants also believe that this subject matter is not prima facie obvious over the cited references.

For the above reasons, Applicants respectfully request reconsideration and withdrawal of this rejection and allowance of all pending claims.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Christina Annick (Reg. No. 46,428) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Appl. No. 09/380,310

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

Claims 9-21 have been added.